

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL JOSEPH SANGREY,

Defendant.

CR 00-100-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Daniel Joseph Sangrey (Sangrey) has been accused of violating the conditions of his supervised release. Sangrey has admitted all of the alleged violations. Sangrey's supervised release should be revoked. Sangrey should be placed in custody for 13 months, with no supervised release to follow.

**II. Status**

Sangrey pleaded guilty to Distribution of Methamphetamine on January 31, 2001. (Doc. 45). The Court sentenced Sangrey to 144 months of custody, followed by 5 years of supervised release. (Doc. 63). Sangrey's current term of supervised release began on October 30, 2016. (Doc. 141 at 2).

### **Petition**

The United States Probation Office filed a Petition requesting that the Court revoke Sangrey's supervised release on September 4, 2018. (Doc. 141). The Petition alleged that Sangrey had violated the conditions of his supervised release: 1) by failing to report for substance abuse testing; 2) by failing to notify his probation officer of a change in employment; and 3) by failing to attend appointments for substance abuse treatment. United States District Brian M. Morris issued a warrant for Sangrey's arrest on September 4, 2019. (Doc. 142).

### **Initial appearance**

Sangrey appeared before the undersigned for his initial appearance on February 14, 2019. Sangrey was represented by counsel. Sangrey stated that he had read the petition and that he understood the allegations. Sangrey waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

The Court conducted a revocation hearing on February 14, 2019. Sangrey admitted that he had violated the conditions of his supervised release: 1) by failing to report for substance abuse testing; 2) by failing to notify his probation officer of a change in employment; and 3) by failing to attend appointments for substance

abuse treatment. The violations are serious and warrant revocation of Sangrey's supervised release.

Sangrey's violations are Grade C violations. Sangrey's criminal history category is V. Sangrey's underlying offense is a Class A felony. Sangrey could be incarcerated for up to 60 months. He could be ordered to remain on supervised release for up to 36 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 7 to 13 months.

### **III. Analysis**

Sangrey's supervised release should be revoked. Sangrey should be incarcerated for 13 months, with no supervised release to follow. This sentence is sufficient but not greater than necessary.

### **IV. Conclusion**

The Court informed Sangrey that the above sentence would be recommended to Judge Morris. The Court also informed Sangrey of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Sangrey that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Sangrey stated that he wished to waive his right to object to these Findings and Recommendations, and that he

wished to waive his right to allocute before a United States district court judge.

The Court **FINDS:**

That Daniel Joseph Sangrey violated the conditions of his supervised release by failing to report for substance abuse testing, by failing to notify his probation officer of a change in employment, and by failing to attend appointments for substance abuse treatment.

The Court **RECOMMENDS:**

That the District Court revoke Sangrey's supervised release and commit Sangrey to the custody of the United States Bureau of Prisons for a term of 13 months, with no supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO  
OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a

district court judge.

DATED this 19th day of February, 2019.



John Johnston  
United States Magistrate Judge